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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,897	04/27/2007	Ferenc Deak	0119010-00133	2959
29177 7590 02/04/2009 BELF., BOYD & LLOYD, LLP P.O. BOX 1135 CHICAGO, IL 60690				
EXAMINER				
MAGLO, EMMANUEL K				
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2419				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/572,897

Applicant(s)

DEAK ET AL.

Examiner

EMMANUEL MAGLO

Art Unit

2419

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-16 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 9-16 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 21 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: the specification is objected to for containing hyperlink on page 2.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
4. Claims 9-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baidur et al. (US 6,073,176), hereinafter referred to as Baidur, in view of Emens et al.

Regarding claim 9, Baidur discloses a *method for managing a group of network access servers*, (fig. 10), *within which group the Multichassis Multilink Point-to-Point Protocol is used*, (col. 18 lines 36), *comprising*:

managing an address list of the other network access servers in this group (fig. 10, stack group formed by network access servers (NAS) A, B, C and. The figure shows a group member communicating with other network access servers (members) of the group, and col. 19 lines 53-55), *by each network access server in this group*, (fig. 11 and col. 26-29),

wherein when a new network access server, (fig. 14, col. 19 lines 27-33: note the new group member is the computer system), *logs onto a group of network access servers*, (col. 19 line 27-33: Systems A and B are defined as stack group members. System C initializes as the new group member group, fig. 14), *a first message is sent from the new network access server to the network access servers of this group*, (during initialization system C forward a link to the other members via link 118. with reference to fig.15, step 1 show the establishment of the a message (SGBP hello) sent from the new network access server (system C) to the network access servers (system A, and system B; col. 20 lines 2-4), *the network access servers of this group store the address of the new network access server in an address list and send a second message to the new network access server in each case*, (col. 19 lines 60-67: A processor 162 in each system A and B conducts the SGBP and a memory 164 stores the bid values used during the bidding session), *and the second messages are received and used by the*

new network access server for creating and storing an address list of all network access servers in this group, (col. 20 lines 10-11).

Baindur discloses the claimed invention, except explicitly a network access server manages an *address list of the other network access servers*.

Emens in the same field of endeavor discloses col. 7 lines 58-60, a mirror server manager responsible for maintaining the address list of available mirror servers, (fig. 2).

It would have been obvious to a person of ordinary skill at the time the invention was made to implement Baindur with the teaching of Emens so that the bidding process incorporates address list of the other network access servers to assist multi-link calls.

Regarding claim 10, Baindur discloses *a repetition time is assigned to a network access server in the group, the repetition time specifying the time intervals at which the second message is sent from the network access server in a periodically recurring manner to the other network access servers in the group, and the network access server is deleted from the address lists of the other network access servers in this group if the second message is not received by them before the expiry of the repetition time*, (col. 16 lines 32-62: a hello challenge message is sent to the down stack member at 20 second intervals and a network access server is down (no longer a member or deleted from the membership)).

Regarding claim 11, Baindur discloses *the repetition time is contained in the first message, and this repetition time is stored in a list by the network access servers of this group when a new network access server logs on*, (fig. 15, step 1, and for the repetition, note col. 16 lines 32-62: a hello challenge message is sent to the down stack

member at 20 second intervals and a network access server is down (no longer a member or deleted from the membership)

Regarding claim 12, *Baindur discloses instead of the second message a fourth message is provided for the periodically recurring notification, (see fig. 5 for the notification packet)*

Regarding claim 13, *Baindur discloses a third message is sent by a network access server in the group to the other network access servers in the group, (fig. 15 step 3 send the bid request to all stack members), and the other network access servers in this group delete this network access server from their address lists when they receive this message, (col. 20 lines 11-21).*

Regarding claim 14, *Baindur discloses a distribution list address is used for sending the first and/or second and/or third messages and a fourth messages within the group of network access servers, the distribution list address including addresses of at least all network access servers, (col. 6 lines 44-56: IP address may be allocated to the remote client dynamically from a pool of service provider addresses), in this group and a message contains an identification of the group, (col. 15 lines 42-50: "the SGBP takes into account performance capacity for each stack group member and is user tunable. In one example, the systems A, B, C, and D comprise dial-in servers, routers or general purpose computers that receive, route or process network packets. The events bid upon by the stack group members comprise any task that can be distributed to another member of the stack group for further processing. In one example, the events comprise communications links 99 that are established from a remote client". Furthermore, col. 16*

lines 63-65, "the events bid for by the stack group members can comprise any task that can be distributed among the stack group members").

Regarding claim 15, Baidur discloses a network access server, (fig. 14, system C) which includes a device for linking into a group of network access servers and the Multichassis Multilink Point-to-Point Protocol is used within the group, comprising:

an address list of the other network access servers in this group;

a device for receiving a first message which indicates the logging on of a new network access server to a group of network access servers, (fig. 14, col. 19 lines 27-33: note the new group member is the computer system);

a device for storing an address of the new network access server in an address list and the address is contained in the first message, (fig. 15 system A);

a device for sending a second message to the new network access server, (fig. 15 system A); and

a device for receiving second messages and a device, (system C). for generating and storing an address list of all network access servers in a group, wherein the addresses are contained in the second messages, (col. 19 lines 60-67: A processor 162 in each system A and B conducts the SGBP and a memory 164 stores the bid values used during the bidding session)

Baindur discloses the claimed invention, except explicitly an address list of the other network access servers in this group.

Emens in the same field of endeavor discloses col. 7 lines 58-60, a mirror server manager responsible for maintaining the address list of available mirror servers, (fig. 2). It would have been obvious to a person of ordinary skill at the time the invention was made to implement Baindur with the teaching of Emens so that the bidding process incorporates address list of the other network access servers to assist multi-link calls.

Regarding claim 16, Baindur discloses *a device for the periodically recurrent sending of the second message to the other network access servers in the group*, (col. 16 lines 32-62: a hello challenge message is sent to the down stack member at 20 second intervals and a network access server is down (no longer a member or deleted from the membership),

a device for storing a repetition time which is assigned to a network access server, (fig. 14 system A and system B: col. 19 lines 64-67);

a device for monitoring whether the second message of a network access server was received before the expiry of the repetition time which was assigned to it, (fig. 15, step 1, and for the repetition, note col. 16 lines 32-62: a hello challenge message is sent to the down stack member at 20 second intervals and a network access server is down (no longer a member or deleted from the membership), and

a device for deleting a network access server from an address list, (col. 20 lines 11-21).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMMANUEL MAGLO whose telephone number is (571)270-1854. The examiner can normally be reached on Monday - Thursday 7:00 - 4:30 and every other Friday 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571)272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Emmanuel Maglo
Patent Examiner
February 4, 2009

/Hassan Kizou/
Supervisory Patent Examiner, Art Unit 2419